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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,689	10/18/2001	Egon Brauning	UL 3.0-021	8634

7590 04/01/2003
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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,689

Applicant(s)

BRAUNING, EGON

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) 7,8,13-16 and 20-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,10-12,18 and 19 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species III in Paper No. 5 is acknowledged. The traversal is on the grounds that the species vary only the shape and manner in which the armrests are affixed to the seat. This is not found persuasive because the armrest configurations of Species I, Species II, and Species III result in different classifications within the art resulting in separate searches, therefore claims 1-6, 9-12, 18, and 19 drawn to Species III are examined. Applicant may state that the species are not patentably distinct, however Applicant is reminded that upon the rejection of one species the other species will be rejected as obvious variances of one another.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6, 9-12, 18, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claims 1 and 18, the phrase "joined together and, as the upper part (2) and lower part (3) of the seat plate (1), consist of molded plywood glued together in layers and extended at least partially over the seat plate (1)" is unclear rendering the scope of the claims indefinite.

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5. Claims 1 and 18 recite the limitation "the lower side" in line 9 and line 11, respectively. There is insufficient antecedent basis for this limitation in the claims.
6. Claims 1 and 18 recite the limitation "the upper side" in line 11 and line 13, respectively. There is insufficient antecedent basis for this limitation in the claims.
7. Claim 3 recites the limitation "the corner regions" in line 2. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 5 recites the limitation "the central region" in line 3. There is insufficient antecedent basis for this limitation in the claim.
9. Regarding claim 10, the phrase "plate-shaped" in line 2 renders the claim indefinite because the meets and bounds of the claim are not clearly set forth, thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).
10. Claim 12 recites the limitation "the transitions (78,78)" in lines 7-8. There is insufficient antecedent basis for this limitation in the claim.
11. Regarding claim 19, the phrase "shackle-like clip part (90)" in line 3 renders the claim indefinite because the meets and bounds of the claim are not clearly set forth, thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).
12. Claim 19 recites the limitation "the bending-away transition" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1 and 3-6, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,201,172 to Bliss.

Bliss discloses a seat that is basically the same as that recited claims 1 and 3-6, as best understood, except that the seat lacks molded plywood and grooves formed with cutting, as recited in the claims. See Figures 1-6 of Bliss for the teaching that the seat has a seat plate (Fig. 1) with an upper part 18 (Fig. 3) and a lower part 34 (Fig. 3) which lie one above another in layers, lower and upper leg grooves 32,64,66 (Fig. 3) integrally formed in the upper and lower parts of the seat plate, and front and rear legs 20,22 (Fig. 3) with leg extensions 24,26 (Fig. 3) fitted into the grooves wherein the front and rear legs extend from corner regions of the seat plate and each front leg is connected to one of the rear legs thereby forming first and second interconnected pairs and the leg extensions form bows extending to a central region of the seat plate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Bliss such that the layers are made of molded plywood glued together since the applicant discloses on page 1, lines 10-11 of the specification that seats made of molded plywood glued together have been known for a long time. Although the method of forming the lower leg grooves is not specifically recited, forming grooves by cutting would have been obvious to one having ordinary skill at the time of applicant's invention as a matter of engineering choice. Lastly, it would have been an obvious matter of design choice to make the upper part with a greater thickness than

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the lower part since such a modification would have involved a mere change in size of the upper part. A change in size is generally recognized as being within the level of ordinary skill in the art.

15. Claims 2, 11, and 18, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Bliss as applied to claims 1 and 3-6, as best understood above, and further in view of U.S. Patent No. 3,669,499 to Semplonius et al.

Bliss, as modified, discloses a seat that is basically the same as that recited in claims 2, 11, and 18, as best understood, except that the seat plate upper and lower parts do not extend to the backrest, as recited in the claims. Semplonius et al. show a seat similar to that of Bliss wherein the seat has upper and lower parts 10,20 (Fig. 1) that extend over the entire seat plate and backrest. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the seat of Bliss such that the seats are stackable and upper and lower parts extend over the entire seat plate and backrest, such as the seat disclosed in Semplonius et al. One would have been motivated to make such a modification in view of the suggestion in Semplonius et al. that the upper and lower parts extending over the seat plate and backrest allow support and decorative features for the entire seat.

16. Claim 19, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Bliss in view of Semplonius et al. as applied to claims 2, 11, and 18, as best understood above, and further in view of U.S. Patent No. 3,188,138 to Lockshin.

Bliss, as modified, discloses a seat that is basically the same as that recited in claim 19, as best understood, except the seat lacks a row connector with a clip part, as

recited in the claim. Lockshin shows a seat similar to that of Bliss wherein the seat has a row connector including a clip part 30 (Fig. 1) having a central section 36 (Fig. 2) with branching off grasping claws 32 (Fig. 2) on both sides for the legs, and a slide 34 (Fig. 2) releasably fixing the clip part. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the seat of Bliss such that the seat has a row connector including a clip part having a central section with branching off grasping claws on both sides for the rear legs, and a slide releasably fixing the clip part, such as the seat disclosed in Lockshin. One would have been motivated to make such a modification in view of the suggestion in Lockshin that the row connector insures proper row alignment.

Allowable Subject Matter

17. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to seats:

U.S. Pat. No. 2,135,586 to Lorenz et al. U.S. Pat. No. 2,419,838 to James

U.S. Pat. No. 2,536,326 to Thaden	U.S. Pat. No. 2,539,919 to Meek, Jr. et al.
U.S. Pat. No. 2,653,652 to Martini	U.S. Pat. No. 2,815,801 to Fingerhut et al.
Des. Pat. No. 180,660 to Johnson	U.S. Pat. No. 3,003,817 to King
U.S. Pat. No. 3,407,001 to Minsker	U.S. Pat. No. 3,446,530 to Rowland


The following patents are cited to further show the state of the art with respect to row connectors:

U.S. Pat. No. 2,637,081 to Henriskson et al.	U.S. Pat. No. 2,821,762 to Foose
U.S. Pat. No. 3,894,706 to Mizusawa	U.S. Pat. No. 3,982,304 to Menshen
U.S. Pat. No. 4,224,721 to Ohlson	

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

JE
March 19, 2003


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600